

Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1344.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70303(a)	15:5804(d)(1).	Nov. 4, 1992, Pub. L. 102-588, §505(c), (d), 106 Stat. 5125.
70303(b)(1) ..	15:5804(c)(1).	
70303(b)(2) ..	15:5804(c)(2).	
70303(c)	15:5804(d)(2).	
70303(d)	15:5804(c)(3).	

In subsection (a), the words “for one or more projects” are omitted as unnecessary because of the definition of “project” in section 70301 of the revised title.

In subsection (c)(5), the words “as proposed” are omitted as surplus.

§ 70304. Environmental requirements

(a) POLICY.—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural, scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and

that all reasonable steps have been taken to minimize the adverse effect.

(b) PUBLIC HEARING REQUIREMENT.—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to certify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) COMPLIANCE WITH LAWS AND REGULATIONS.—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

(1) section 303 of this title;

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);

(4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1344.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70304	15:5804(e).	Nov. 4, 1992, Pub. L. 102-588, §505(e), 106 Stat. 5125.

In subsection (a), the words “policy of the United States” are substituted for “national policy”, and the words “of the United States” are substituted for “of the Nation”, for consistency. The words “included in a project grant application” and “full and” are omitted as surplus.

In subsection (b), the words “of objectives” are omitted as surplus.

In subsection (c), the words “chief executive officer” are substituted for “Governor” for consistency in the revised title and because the word “State” includes the territories and possessions of the United States.

In subsection (d), before clause (1), the words “in connection with any project”, “imposed on such sponsor

under this section in connection with such project”, and “or discharge” are omitted as surplus. The words “laws and regulations” are substituted for “statutory and administrative requirements” for consistency in the revised title.

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Title VIII of the Act of April 11, 1968, referred to in subsec. (d)(3), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, as amended, known as the Fair Housing Act, which is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(5), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§4601 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

§ 70305. Authorization of appropriations

Not more than \$10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1345.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70305	15:5804(b) (2d, last sentences).	Nov. 4, 1992, Pub. L. 102-588, §505(b) (2d, last sentences), 106 Stat. 5125.

SUBTITLE X—MISCELLANEOUS

Chapter

801. Bills of Lading	80101
803. Contraband	80301
805. Miscellaneous	80501

CHAPTER 801—BILLS OF LADING

Sec.	
80101.	Definitions.
80102.	Application.
80103.	Negotiable and nonnegotiable bills.
80104.	Form and requirements for negotiation.
80105.	Title and rights affected by negotiation.
80106.	Transfer without negotiation.
80107.	Warranties and liability.
80108.	Alterations and additions.
80109.	Liens under negotiable bills.
80110.	Duty to deliver goods.
80111.	Liability for delivery of goods.
80112.	Liability under negotiable bills issued in parts, sets, or duplicates.
80113.	Liability for nonreceipt, misdescription, and improper loading.

Sec.

80114.	Lost, stolen, and destroyed negotiable bills.
80115.	Limitation on use of judicial process to obtain possession of goods from common carriers.
80116.	Criminal penalty.

AMENDMENTS

1994—Pub. L. 103-429, §6(79), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 46 App. section 1304.

§ 80101. Definitions

In this chapter—

(1) “consignee” means the person named in a bill of lading as the person to whom the goods are to be delivered.

(2) “consignor” means the person named in a bill of lading as the person from whom the goods have been received for shipment.

(3) “goods” means merchandise or personal property that has been, is being, or will be transported.

(4) “holder” means a person having possession of, and a property right in, a bill of lading.

(5) “order” means an order by indorsement on a bill of lading.

(6) “purchase” includes taking by mortgage or pledge.

(7) “State” means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80101	49 App.:122.	Aug. 29, 1916, ch. 415, §42, 39 Stat. 545.

In this chapter, the words “negotiable bill of lading” are substituted for “order bill”, and the words “non-negotiable bill of lading” are substituted for “straight bill”, for clarity and consistency in the revised title and with other titles of the United States Code.

In this section, before clause (1), the words “unless the context of subject matter otherwise requires” are omitted as unnecessary because of the restatement. The words “‘Action’ includes counterclaim, set-off, and suit in equity” are omitted as unnecessary. The words “‘Bill’ means bill of lading, governed by this chapter” are omitted because of section 80102 of the revised title. In clauses (1), (2), and (4), the words “‘Person’ includes a corporation or partnership, or two or more persons having a joint or common interest” are omitted because of 1:1. In clause (3), the words “personal property” are substituted for “chattels” for clarity and consistency. The words “is being” are substituted for “in course of” for clarity. In clause (7), the words “‘State’ means a State of the United States” are substituted for “‘State’ includes” for clarity and consistency in the revised title and with other titles of the Code. The word “possession” is substituted for “insular possession, or isthmian possession” for consistency in the revised title.

§ 80102. Application

This chapter applies to a bill of lading when the bill is issued by a common carrier for the transportation of goods—

(1) between a place in the District of Columbia and another place in the District of Columbia;

(2) between a place in a territory or possession of the United States and another place in the same territory or possession;

(3) between a place in a State and a place in another State;

(4) between a place in a State and a place in the same State through another State or a foreign country; or

(5) from a place in a State to a place in a foreign country.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80102	49 App.:81.	Aug. 29, 1916, ch. 415, §1, 39 Stat. 538.

In this chapter, the words “common carrier” are substituted for “carrier” because the source provisions restated in this section provide that this chapter applies to bills of lading issued by common carriers.

In clause (2), the words “territory or possession” are substituted for “Territory” for consistency in the revised title and with other titles of the United States Code.

§ 80103. Negotiable and nonnegotiable bills

(a) NEGOTIABLE BILLS.—(1) A bill of lading is negotiable if the bill—

(A) states that the goods are to be delivered to the order of a consignee; and

(B) does not contain on its face an agreement with the shipper that the bill is not negotiable.

(2) Inserting in a negotiable bill of lading the name of a person to be notified of the arrival of the goods—

(A) does not limit its negotiability; and

(B) is not notice to the purchaser of the goods of a right the named person has to the goods.

(b) NONNEGOTIABLE BILLS.—(1) A bill of lading is nonnegotiable if the bill states that the goods are to be delivered to a consignee. The indorsement of a nonnegotiable bill does not—

(A) make the bill negotiable; or

(B) give the transferee any additional right.

(2) A common carrier issuing a nonnegotiable bill of lading must put “nonnegotiable” or “not negotiable” on the bill. This paragraph does not apply to an informal memorandum or acknowledgment.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80103(a)(1) ..	49 App.:83.	Aug. 29, 1916, ch. 415, §§2, 3, 6, 7, 29 (last sentence), 39 Stat. 539, 543.
80103(a)(2) ..	49 App.:87.	
80103(b)(1) ..	49 App.:82.	
	49 App.:109 (last sentence).	
80103(b)(2) ..	49 App.:86.	

In subsection (a)(1), the words “A bill of lading is negotiable if . . . states that the goods are to be delivered to the order of a consignee” are substituted for “A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill” for clarity and consistency in the revised title and with other titles of the United States Code. The words “does not contain on its face an agreement with the shipper that the bill is not negotiable” are substituted for 49 App.:83 (last sentence) for clarity and to eliminate unnecessary words.

In subsection (a)(2)(B), the words “right the named person has” are substituted for “rights or equities of such person” for clarity.

In subsection (b)(1), before clause (A), the words “A bill of lading is nonnegotiable if” are substituted for “A bill in which . . . is a straight bill” in 49 App.:82 for consistency in the revised title and with other titles of the Code. The words “free from existing equities” in 49 App.:109 (last sentence) are omitted as surplus.

§ 80104. Form and requirements for negotiation

(a) GENERAL RULES.—(1) A negotiable bill of lading may be negotiated by indorsement. An indorsement may be made in blank or to a specified person. If the goods are deliverable to the order of a specified person, then the bill must be indorsed by that person.

(2) A negotiable bill of lading may be negotiated by delivery when the common carrier, under the terms of the bill, undertakes to deliver the goods to the order of a specified person and that person or a subsequent indorsee has indorsed the bill in blank.

(3) A negotiable bill of lading may be negotiated by a person possessing the bill, regardless of the way in which the person got possession, if—

(A) a common carrier, under the terms of the bill, undertakes to deliver the goods to that person; or

(B) when the bill is negotiated, it is in a form that allows it to be negotiated by delivery.

(b) VALIDITY NOT AFFECTED.—The validity of a negotiation of a bill of lading is not affected by the negotiation having been a breach of duty by the person making the negotiation, or by the owner of the bill having been deprived of possession by fraud, accident, mistake, duress, loss, theft, or conversion, if the person to whom the bill is negotiated, or a person to whom the bill is subsequently negotiated, gives value for the bill in good faith and without notice of the breach of duty, fraud, accident, mistake, duress, loss, theft, or conversion.

(c) NEGOTIATION BY SELLER, MORTGAGOR, OR PLEDGOR TO PERSON WITHOUT NOTICE.—When goods for which a negotiable bill of lading has been issued are in a common carrier’s possession, and the person to whom the bill has been issued retains possession of the bill after selling, mortgaging, or pledging the goods or bill, the subsequent negotiation of the bill by that person to another person receiving the bill for value, in good faith, and without notice of the prior sale, mortgage, or pledge has the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1347.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80104(a)(1) ..	49 App.:108.	Aug. 29, 1916, ch. 415, §§27, 28, 30, 37, 38, 39 Stat. 542, 543, 544.
80104(a)(2) ..	49 App.:107.	
80104(a)(3) ..	49 App.:110.	
80104(b)	49 App.:117.	
80104(c)	49 App.:118.	

In subsection (a)(1), the words “If the goods are deliverable to the order of a specified person” are substituted for “the person to whose order the goods are deliverable by the tenor of the bill” for clarity. The text of 49 App.:108 (last sentence) is omitted as unnecessary because of the restatement.

§ 80105. Title and rights affected by negotiation

(a) TITLE.—When a negotiable bill of lading is negotiated—

(1) the person to whom it is negotiated acquires the title to the goods that—

(A) the person negotiating the bill had the ability to convey to a purchaser in good faith for value; and

(B) the consignor and consignee had the ability to convey to such a purchaser; and

(2) the common carrier issuing the bill becomes obligated directly to the person to whom the bill is negotiated to hold possession of the goods under the terms of the bill the same as if the carrier had issued the bill to that person.

(b) SUPERIORITY OF RIGHTS.—When a negotiable bill of lading is negotiated to a person for value in good faith, that person’s right to the goods for which the bill was issued is superior to a seller’s lien or to a right to stop the transportation of the goods. This subsection applies whether the negotiation is made before or after the common carrier issuing the bill receives notice of the seller’s claim. The carrier may deliver the goods to an unpaid seller only if the bill first is surrendered for cancellation.

(c) MORTGAGEE AND LIEN HOLDER RIGHTS NOT AFFECTED.—Except as provided in subsection (b) of this section, this chapter does not limit a right of a mortgagee or lien holder having a mortgage or lien on goods against a person that purchased for value in good faith from the owner, and got possession of the goods immediately before delivery to the common carrier.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1347.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80105(a)	49 App.:111.	Aug. 29, 1916, ch. 415, §§31, 39, 40, 39 Stat. 543, 544.
80105(b)	49 App.:119.	
80105(c)	49 App.:120.	

In subsection (a)(1), before subclause (A), the word “duly” is omitted as surplus.

In subsection (b), the words “right . . . is superior” are substituted for “no . . . shall defeat the rights of” for clarity. The words “right to stop the transportation” are substituted for “right of stoppage in transitu” for clarity.

In subsection (c), the word “remedies” is omitted as being included in “right”. The words “whose mortgage or lien on goods would be valid, apart from this chap-

ter” are omitted as unnecessary because of the restatement. The words “which are subject to the mortgage or lien” are omitted as unnecessary.

§ 80106. Transfer without negotiation

(a) DELIVERY AND AGREEMENT.—The holder of a bill of lading may transfer the bill without negotiating it by delivery and agreement to transfer title to the bill or to the goods represented by it. Subject to the agreement, the person to whom the bill is transferred has title to the goods against the transferor.

(b) COMPELLING INDORSEMENT.—When a negotiable bill of lading is transferred for value by delivery without being negotiated and indorsement of the transferor is essential for negotiation, the transferee may compel the transferor to indorse the bill unless a contrary intention appears. The negotiation is effective when the indorsement is made.

(c) EFFECT OF NOTIFICATION.—(1) When a transferee notifies the common carrier that a non-negotiable bill of lading has been transferred under subsection (a) of this section, the carrier is obligated directly to the transferee for any obligations the carrier owed to the transferor immediately before the notification. However, before the carrier is notified, the transferee’s title to the goods and right to acquire the obligations of the carrier may be defeated by—

(A) garnishment, attachment, or execution on the goods by a creditor of the transferor; or

(B) notice to the carrier by the transferor or a purchaser from the transferor of a later purchase of the goods from the transferor.

(2) A common carrier has been notified under this subsection only if—

(A) an officer or agent of the carrier, whose actual or apparent authority includes acting on the notification, has been notified; and

(B) the officer or agent has had time, exercising reasonable diligence, to communicate with the agent having possession or control of the goods.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1348.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80106(a)	49 App.:109 (1st sentence). 49 App.:112 (1st sentence).	Aug. 29, 1916, ch. 415, §§29 (1st sentence), 32, 33, 39 Stat. 543.
80106(b)	49 App.:113.	
80106(c)	49 App.:112 (2d-last sentences).	

In subsection (a), the words “without negotiating it” are added for clarity.

In subsection (b), the text of 49 App.:113 (last sentence) is omitted as unnecessary because of the words “the transferee may compel the transferor”.

In subsection (c)(1), before clause (A), the words “also acquires the right to notify” and “by the transferor or transferee of a straight bill” are omitted as unnecessary because of the restatement.

§ 80107. Warranties and liability

(a) GENERAL RULE.—Unless a contrary intention appears, a person negotiating or transferring a bill of lading for value warrants that—

- (1) the bill is genuine;
- (2) the person has the right to transfer the bill and the title to the goods described in the bill;
- (3) the person does not know of a fact that would affect the validity or worth of the bill; and
- (4) the goods are merchantable or fit for a particular purpose when merchantability or fitness would have been implied if the agreement of the parties had been to transfer the goods without a bill of lading.

(b) **SECURITY FOR DEBT.**—A person holding a bill of lading as security for a debt and in good faith demanding or receiving payment of the debt from another person does not warrant by the demand or receipt—

- (1) the genuineness of the bill; or
- (2) the quantity or quality of the goods described in the bill.

(c) **DUPLICATES.**—A common carrier issuing a bill of lading, on the face of which is the word “duplicate” or another word indicating that the bill is not an original bill, is liable the same as a person that represents and warrants that the bill is an accurate copy of an original bill properly issued. The carrier is not otherwise liable under the bill.

(d) **INDORSER LIABILITY.**—Indorsement of a bill of lading does not make the indorser liable for failure of the common carrier or a previous indorser to fulfill its obligations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1349.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80107(a)	49 App.:114.	Aug. 29, 1916, ch. 415, §§15, 34-36, 39 Stat. 541, 543.
80107(b)	49 App.:116.	
80107(c)	49 App.:95.	
80107(d)	49 App.:115.	

In subsection (a), before clause (1), the words “by indorsement or delivery” are omitted as surplus. In clause (4), the words “merchantability or fitness” are substituted for “such warranties”, and the words “the goods without a bill of lading” are substituted for “without a bill the goods represented thereby”, for clarity.

In subsection (b), before clause (1), the words “person holding” are substituted for “mortgagee or pledgee or other holder” because they are inclusive. The words “from another person” are substituted for “whether from a party to a draft drawn for such debt or from any other person” to eliminate unnecessary words. The words “does not warrant by the demand or receipt” are substituted for “shall not be deemed by so doing to represent or warrant” for clarity.

In subsection (c), the words “A common carrier issuing . . . is liable” are substituted for “plainly shall impose upon the carrier issuing the same the liability” for clarity and to eliminate unnecessary words. The words “The carrier is not otherwise liable under the bill” are substituted for “but no other liability” for clarity.

In subsection (d), the word “respective” is omitted as unnecessary.

§ 80108. Alterations and additions

An alteration or addition to a bill of lading after its issuance by a common carrier, without

authorization from the carrier in writing or noted on the bill, is void. However, the original terms of the bill are enforceable.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1349.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80108	49 App.:93.	Aug. 29, 1916, ch. 415, §13, 39 Stat. 540.

The word “erasure” is omitted as being included in “alteration”. The words “whatever be the nature and purpose of the change” are omitted as surplus. The word “terms” is substituted for “tenor” for clarity.

§ 80109. Liens under negotiable bills

A common carrier issuing a negotiable bill of lading has a lien on the goods covered by the bill for—

- (1) charges for storage, transportation, and delivery (including demurrage and terminal charges), and expenses necessary to preserve the goods or incidental to transporting the goods after the date of the bill; and

- (2) other charges for which the bill expressly specifies a lien is claimed to the extent the charges are allowed by law and the agreement between the consignor and carrier.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1349.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80109	49 App.:105.	Aug. 29, 1916, ch. 415, §25, 39 Stat. 542.

In this section, before clause (1), the word “If” is omitted as surplus. The words “covered by the bill” are substituted for “therein mentioned” for clarity. In clause (1), the words “charges for storage, transportation, and delivery (including demurrage and terminal charges)” are substituted for “all charges on those goods for freight, storage, demurrage and terminal charges . . . and all other charges incurred in transportation and delivery” as being inclusive and to conform to section 7-307 of the Uniform Commercial Code. In clause (2), the words “other charges for which the bill expressly specifies a lien” are substituted for “unless the bill expressly enumerates other charges for which a lien . . . In such case there shall also be a lien for the charges enumerated” for clarity.

§ 80110. Duty to deliver goods

(a) **GENERAL RULES.**—Except to the extent a common carrier establishes an excuse provided by law, the carrier must deliver goods covered by a bill of lading on demand of the consignee named in a nonnegotiable bill or the holder of a negotiable bill for the goods when the consignee or holder—

- (1) offers in good faith to satisfy the lien of the carrier on the goods;

- (2) has possession of the bill and, if a negotiable bill, offers to indorse and give the bill to the carrier; and

- (3) agrees to sign, on delivery of the goods, a receipt for delivery if requested by the carrier.

(b) **PERSONS TO WHOM GOODS MAY BE DELIVERED.**—Subject to section 80111 of this title, a

common carrier may deliver the goods covered by a bill of lading to—

- (1) a person entitled to their possession;
- (2) the consignee named in a nonnegotiable bill; or
- (3) a person in possession of a negotiable bill if—

(A) the goods are deliverable to the order of that person; or

(B) the bill has been indorsed to that person or in blank by the consignee or another indorsee.

(c) **COMMON CARRIER CLAIMS OF TITLE AND POSSESSION.**—A claim by a common carrier that the carrier has title to goods or right to their possession is an excuse for nondelivery of the goods only if the title or right is derived from—

- (1) a transfer made by the consignor or consignee after the shipment; or
- (2) the carrier's lien.

(d) **ADVERSE CLAIMS.**—If a person other than the consignee or the person in possession of a bill of lading claims title to or possession of goods and the common carrier knows of the claim, the carrier is not required to deliver the goods to any claimant until the carrier has had a reasonable time to decide the validity of the adverse claim or to bring a civil action to require all claimants to interplead.

(e) **INTERPLEADER.**—If at least 2 persons claim title to or possession of the goods, the common carrier may—

- (1) bring a civil action to interplead all known claimants to the goods; or
- (2) require those claimants to interplead as a defense in an action brought against the carrier for nondelivery.

(f) **THIRD PERSON CLAIMS NOT A DEFENSE.**—Except as provided in subsections (b), (d), and (e) of this section, title or a right of a third person is not a defense to an action brought by the consignee of a nonnegotiable bill of lading or by the holder of a negotiable bill against the common carrier for failure to deliver the goods on demand unless enforced by legal process.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1349.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80110(a)	49 App.:88.	Aug. 29, 1916, ch. 415, §§8, 9, 16-19, 39 Stat. 539, 541.
80110(b)	49 App.:89.	
80110(c)	49 App.:96.	
80110(d)	49 App.:98.	
80110(e)	49 App.:97.	
80110(f)	49 App.:99.	

In subsection (a), before clause (1), the words “Except to the extent a common carrier establishes an excuse provided by law” are substituted for “in the absence of some lawful excuse” and “In case the carrier refuses or fails to deliver the goods, in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure” for clarity and to eliminate unnecessary words. The word “must” is substituted for “is bound to” for clarity. The words “if such a demand is accompanied by” are omitted as unnecessary because of the restatement. In clause (1), the word “lawful” is omitted as unnecessary because of the restatement. In clause (2), the word “properly” is

omitted as surplus. In clause (3), the word “agrees” is substituted for “A readiness and willingness” for clarity. The word “receipt” is substituted for “acknowledgment” for consistency. The words “if such signature” are omitted as unnecessary.

In subsection (b), before clause (1), the word “may” is substituted for “is justified . . . in” because it is more accurate. In clause (1), the word “entitled” is substituted for “lawfully entitled” to eliminate an unnecessary word. In clause (3), before subclause (A), the word “if” is substituted for “by the terms of which” for clarity. In subclause (B), the words “another indorsee” are substituted for “by the mediate or immediate indorsee of the consignee” as being inclusive.

In subsection (c), before clause (1), the words “for his own benefit” are omitted as surplus. The words “non-delivery of” are substituted for “refusing to deliver” because they are more accurate. The words “according to the terms of a bill issued for them” are omitted as unnecessary. In clause (1), the words “directly or indirectly” are omitted as unnecessary.

In subsection (d), the word “person” is substituted for “someone” for consistency in this chapter. The words “claims title” are substituted for “has a claim to the title” for consistency. The words “is not required to” are substituted for “shall be excused from liability for refusing to” for clarity. The words “any claimant” are substituted for “either to the consignee or person in possession of the bill or to the adverse claimant” to eliminate unnecessary words. The words “civil action” are substituted for “legal proceedings” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (e), before clause (1), the words “at least 2” are substituted for “more than one” for consistency in the revised title and with other titles of the United States Code. In clause (1), the words “civil action” are substituted for “an original suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “whichever is appropriate” are omitted as unnecessary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 80111 of this title.

§ 80111. Liability for delivery of goods

(a) **GENERAL RULES.**—A common carrier is liable for damages to a person having title to, or right to possession of, goods when—

- (1) the carrier delivers the goods to a person not entitled to their possession unless the delivery is authorized under section 80110(b)(2) or (3) of this title;

- (2) the carrier makes a delivery under section 80110(b)(2) or (3) of this title after being requested by or for a person having title to, or right to possession of, the goods not to make the delivery; or

- (3) at the time of delivery under section 80110(b)(2) or (3) of this title, the carrier has information it is delivering the goods to a person not entitled to their possession.

(b) **EFFECTIVENESS OF REQUEST OR INFORMATION.**—A request or information is effective under subsection (a)(2) or (3) of this section only if—

- (1) an officer or agent of the carrier, whose actual or apparent authority includes acting on the request or information, has been given the request or information; and

- (2) the officer or agent has had time, exercising reasonable diligence, to stop delivery of the goods.

(c) **FAILURE TO TAKE AND CANCEL BILLS.**—Except as provided in subsection (d) of this section,

if a common carrier delivers goods for which a negotiable bill of lading has been issued without taking and canceling the bill, the carrier is liable for damages for failure to deliver the goods to a person purchasing the bill for value in good faith whether the purchase was before or after delivery and even when delivery was made to the person entitled to the goods. The carrier also is liable under this paragraph if part of the goods are delivered without taking and canceling the bill or plainly noting on the bill that a partial delivery was made and generally describing the goods or the remaining goods kept by the carrier.

(d) **EXCEPTIONS TO LIABILITY.**—A common carrier is not liable for failure to deliver goods to the consignee or owner of the goods or a holder of the bill if—

- (1) a delivery described in subsection (c) of this section was compelled by legal process;
- (2) the goods have been sold lawfully to satisfy the carrier's lien;
- (3) the goods have not been claimed; or
- (4) the goods are perishable or hazardous.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1350.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80111(a)	49 App.:90 (less last par.).	Aug. 29, 1916, ch. 415, §§10-12, 26, 39 Stat. 540, 542.
80111(b)	49 App.:90 (last par.).	
80111(c)	49 App.:91 (words after 2d comma).	
80111(d)	49 App.:92 (words after 2d comma).	
	49 App.:91 (words before 2d comma).	
	49 App.:92 (words before 2d comma).	
	49 App.:106.	

In subsection (a), before clause (1), the word “title” is substituted for “right of property” for consistency in this chapter.

In subsection (c), the words “negotiable bill of lading” are substituted for “order bill . . . the negotiation of which would transfer the right to the possession of the goods” in 49 App.:91 for consistency in this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 80110 of this title.

§ 80112. Liability under negotiable bills issued in parts, sets, or duplicates

(a) **PARTS AND SETS.**—A negotiable bill of lading issued in a State for the transportation of goods to a place in the 48 contiguous States or the District of Columbia may not be issued in parts or sets. A common carrier issuing a bill in violation of this subsection is liable for damages for failure to deliver the goods to a purchaser of one part for value in good faith even though the purchase occurred after the carrier delivered the goods to a holder of one of the other parts.

(b) **DUPLICATES.**—When at least 2 negotiable bills of lading are issued in a State for the same goods to be transported to a place in the 48 contiguous States or the District of Columbia, the word “duplicate” or another word indicating that the bill is not an original must be put plainly on the face of each bill except the origi-

nal. A common carrier violating this subsection is liable for damages caused by the violation to a purchaser of the bill for value in good faith as an original bill even though the purchase occurred after the carrier delivered the goods to the holder of the original bill.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1351.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80112(a)	49 App.:84.	Aug. 29, 1916, ch. 415, §§4, 5, 39 Stat. 539.
80112(b)	49 App.:85.	

In this section, the words “48 contiguous States or the District of Columbia” are substituted for “United States on the Continent of North America, except Alaska and Panama” and the text of 49 App.:84 (proviso) and 85 (proviso) for clarity.

In subsection (a), the words “If so issued” and “described therein” are omitted as surplus. The word “occurred” is added for clarity.

§ 80113. Liability for nonreceipt, misdescription, and improper loading

(a) **LIABILITY FOR NONRECEIPT AND MISDESCRIPTION.**—Except as provided in this section, a common carrier issuing a bill of lading is liable for damages caused by nonreceipt by the carrier of any part of the goods by the date shown in the bill or by failure of the goods to correspond with the description contained in the bill. The carrier is liable to the owner of goods transported under a nonnegotiable bill (subject to the right of stoppage in transit) or to the holder of a negotiable bill if the owner or holder gave value in good faith relying on the description of the goods in the bill or on the shipment being made on the date shown in the bill.

(b) **NONLIABILITY OF CARRIERS.**—A common carrier issuing a bill of lading is not liable under subsection (a) of this section—

- (1) when the goods are loaded by the shipper;
- (2) when the bill—

(A) describes the goods in terms of marks or labels, or in a statement about kind, quantity, or condition; or

(B) is qualified by “contents or condition of contents of packages unknown”, “said to contain”, “shipper’s weight, load, and count”, or words of the same meaning; and

- (3) to the extent the carrier does not know whether any part of the goods were received or conform to the description.

(c) **LIABILITY FOR IMPROPER LOADING.**—A common carrier issuing a bill of lading is not liable for damages caused by improper loading if—

- (1) the shipper loads the goods; and
- (2) the bill contains the words “shipper’s weight, load, and count”, or words of the same meaning indicating the shipper loaded the goods.

(d) **CARRIER’S DUTY TO DETERMINE KIND, QUANTITY, AND NUMBER.**—(1) When bulk freight is loaded by a shipper that makes available to the common carrier adequate facilities for weighing the freight, the carrier must determine the kind and quantity of the freight within a reasonable

time after receiving the written request of the shipper to make the determination. In that situation, inserting the words “shipper’s weight” or words of the same meaning in the bill of lading has no effect.

(2) When goods are loaded by a common carrier, the carrier must count the packages of goods, if package freight, and determine the kind and quantity, if bulk freight. In that situation, inserting in the bill of lading or in a notice, receipt, contract, rule, or tariff, the words “shipper’s weight, load, and count” or words indicating that the shipper described and loaded the goods, has no effect except for freight concealed by packages.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1351.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80113(a)	49 App.:102.	Aug. 29, 1916, ch. 415, §22, 39 Stat. 542; restated Mar. 4, 1927, ch. 510, §6, 44 Stat. 1450.
80113(b)	49 App.:101 (1st sentence).	Aug. 29, 1916, ch. 415, §20, 21, 39 Stat. 541.
80113(c)	49 App.:101 (last sentence words before proviso).	
80113(d)(1) ..	49 App.:101 (last sentence proviso).	
80113(d)(2) ..	49 App.:100.	

In subsection (a), the words “a common carrier issuing a bill of lading” are substituted for “If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the receiving of goods and issuing bills of lading therefor for transportation in commerce among the several States and with foreign nations” to eliminate unnecessary words and for consistency with section 80102 of the revised title. The words “at the time of its issue” are omitted as surplus.

In subsection (b), before clause (1), the words “A common carrier issuing a bill of lading is not liable under subsection (a) of this section” are substituted for “such statements, if true, shall not make liable the carrier issuing the bill of lading” for clarity. In clause (1), the word “goods” is substituted for “package freight or bulk freight” for consistency in this chapter. In clause (2)(B), the quoted words are placed in quotation marks for consistency and to conform to section 7-301 of the Uniform Commercial Code. The words “shipper’s weight, load, and count” are added for consistency in this section.

In subsection (d)(1), the words “makes available to the common carrier adequate facilities for weighing the freight” are substituted for “installs and maintains adequate facilities for weighing such freight, and the same are available to the carrier . . . when given a reasonable opportunity so to do” to eliminate unnecessary words. The words “In that situation, inserting the words ‘shipper’s weight’ or other words of the same meaning in the bill of lading has no effect” are substituted for “and the carriers shall not in such cases insert in the bill of lading the words ‘Shipper’s weight’, or other words of like purport, and if so inserted contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein” for clarity and to eliminate unnecessary words.

In subsection (d)(2), the words “and such carrier shall not, in such cases” are omitted as surplus. The words “In that situation . . . has no effect” are substituted for 49 App.:100 (last sentence) for clarity and to eliminate unnecessary words. The words “except for freight concealed by packages” are substituted for “or in case of bulk freight and freight not concealed by packages the description made by him” for clarity and to eliminate unnecessary words.

§ 80114. Lost, stolen, and destroyed negotiable bills

(a) DELIVERY ON COURT ORDER AND SURETY BOND.—If a negotiable bill of lading is lost, stolen, or destroyed, a court of competent jurisdiction may order the common carrier to deliver the goods if the person claiming the goods gives a surety bond, in an amount approved by the court, to indemnify the carrier or a person injured by delivery against liability under the outstanding original bill. The court also may order payment of reasonable costs and attorney’s fees to the carrier. A voluntary surety bond, without court order, is binding on the parties to the bond.

(b) LIABILITY TO HOLDER.—Delivery of goods under a court order under subsection (a) of this section does not relieve a common carrier from liability to a person to whom the negotiable bill has been or is negotiated for value without notice of the court proceeding or of the delivery of the goods.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1352.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80114(a)	49 App.:94 (1st par.).	Aug. 29, 1916, ch. 415, §14, 39 Stat. 540.
80114(b)	49 App.:94 (last par.).	

In subsection (a), the word “If” is substituted for “Where” for clarity. The words “upon satisfactory proof of such loss, theft, or destruction” are omitted as unnecessary. The words “if the person claiming the goods gives a surety bond” are substituted for “and upon the giving of a bond, with sufficient surety” to clarify the condition precedent to court approval of delivery. The words “in an amount” are added for clarity. The word “indemnify” is substituted for “protect” because it is more accurate. The words “against liability under the outstanding original bill” are substituted for “from any liability or loss incurred by reason of the original bill remaining outstanding” for clarity. The words “surety bond” are substituted for “indemnifying bond” for consistency in this section.

§ 80115. Limitation on use of judicial process to obtain possession of goods from common carriers

(a) ATTACHMENT AND LEVY.—Except when a negotiable bill of lading was issued originally on delivery of goods by a person that did not have the power to dispose of the goods, goods in the possession of a common carrier for which a negotiable bill has been issued may be attached through judicial process or levied on in execution of a judgment only if the bill is surrendered to the carrier or its negotiation is enjoined.

(b) DELIVERY.—A common carrier may be compelled by judicial process to deliver goods under subsection (a) of this section only when the bill is surrendered to the carrier or impounded by the court.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80115(a)	49 App.:103 (1st sentence).	Aug. 29, 1916, ch. 415, §23, 39 Stat. 542.
80115(b)	49 App.:103 (last sentence).	

In subsection (a), the words “Except when a negotiable bill of lading was issued originally on delivery of goods by a person that did not have the power to dispose of the goods, goods . . . may be attached . . . only if” are substituted for “If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner . . . they can not thereafter . . . be attached . . . unless” to restate the source provision as an exception to conform to section 7-602 of the Uniform Commercial Code. The words “through judicial process” are substituted for “by garnishment or otherwise”, and the words “levied on in execution of a judgment” are substituted for “levied upon under an execution”, for clarity.

§ 80116. Criminal penalty

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

- (1) violates this chapter with intent to defraud; or
- (2) knowingly or with intent to defraud—
 - (A) falsely makes, alters, or copies a bill of lading subject to this chapter;
 - (B) utters, publishes, or issues a falsely made, altered, or copied bill subject to this chapter; or
 - (C) negotiates or transfers for value a bill containing a false statement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80116	49 App.:121.	Aug. 29, 1916, ch. 415, §41, 39 Stat. 544.

In this section, before clause (1), the words “fined under title 18” are substituted for “a fine not exceeding \$5,000”, and the words “shall be guilty of a misdemeanor” are omitted, for consistency with title 18. The words “upon conviction . . . punished for each offense” are omitted as unnecessary because of the restatement. Clause (1) is substituted for “or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this chapter” for clarity and because of 18:2. In clause (2)(A), the words “forges, counterfeits” are omitted as being included in “makes”. The word “copies” is substituted for “prints or photographs” for clarity. The words “bill of lading subject to this chapter” are substituted for “bill of lading purporting to represent goods received for shipment among the several States or with foreign nations” for clarity and for consistency with section 80102 of the revised title. Clause (2)(B) is substituted for “utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading . . . or issues” to eliminate unnecessary words and for consistency in this section. The words “knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed” are omitted as unnecessary because of the restatement of the intent required to commit the crime. The words “or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same . . . or aids in issuing or pro-

curing the issue of” are omitted as surplus because of 18:2. The words “as to the receipt of the goods, or as to any other matter” are omitted as unnecessary.

CHAPTER 803—CONTRABAND

Sec.	
80301.	Definitions.
80302.	Prohibitions.
80303.	Seizure and forfeiture.
80304.	Administrative.
80305.	Availability of certain appropriations.
80306.	Relationship to other laws.

§ 80301. Definitions

In this chapter—

- (1) “aircraft” means a contrivance used, or capable of being used, for transportation in the air.
- (2) “vehicle” means a contrivance used, or capable of being used, for transportation on, below, or above land, but does not include aircraft.
- (3) “vessel” means a contrivance used, or capable of being used, for transportation in water, but does not include aircraft.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80301(1)	49 App.:787(c).	Aug. 9, 1939, ch. 618, §7(a)-(c), 53 Stat. 1292.
80301(2)	49 App.:787(b).	
80301(3)	49 App.:787(a).	

In this section, the word “means” is substituted for “includes” as being more precise.

In clause (1), the word “contrivance” is substituted for “every description of craft or carriage or other contrivance” to eliminate unnecessary words.

In clause (2), the word “contrivance” is substituted for “every description of carriage or other contrivance” to eliminate unnecessary words.

In clause (3), the word “contrivance” is substituted for “every description of watercraft or other contrivance” to eliminate unnecessary words.

§ 80302. Prohibitions

(a) DEFINITION.—In this section, “contraband” means—

- (1) a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. 802)), that—

(A) is possessed with intent to sell or offer for sale in violation of the laws and regulations of the United States;

(B) is acquired, possessed, sold, transferred, or offered for sale in violation of those laws;

(C) is acquired by theft, robbery, or burglary and transported—

(i) in the District of Columbia or a territory or possession of the United States; or

(ii) from a place in a State, the District of Columbia, or a territory or possession of the United States, to a place in another State, the District of Columbia, or a territory or possession; or

(D) does not bear tax-paid internal revenue stamps required by those laws or regulations;

(2) a firearm involved in a violation of chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.);

(3) a forged, altered, or counterfeit—

(A) coin or an obligation or other security of the United States Government (as defined in section 8 of title 18); or

(B) coin, obligation, or other security of the government of a foreign country;

(4) material or equipment used, or intended to be used, in making a coin, obligation, or other security referred to in clause (3) of this subsection;

(5) a cigarette involved in a violation of chapter 114 of title 18 or a regulation prescribed under chapter 114; or

(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

(B) a phonorecord or copy in violation of section 2319 of title 18;

(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).

(b) PROHIBITIONS.—A person may not—

(1) transport contraband in an aircraft, vehicle, or vessel;

(2) conceal or possess contraband on an aircraft, vehicle, or vessel; or

(3) use an aircraft, vehicle, or vessel to facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange, or giving away of contraband.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1353; Pub. L. 104–153, §13, July 2, 1996, 110 Stat. 1389.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80302(a)(1) ..	49 App.:781(b)(1).	Aug. 9, 1939, ch. 618, §1(b)(1), 53 Stat. 1291; restated Aug. 9, 1950, ch. 655, 64 Stat. 427.
	49 App.:787(d).	Aug. 9, 1939, ch. 618, §7(d), 53 Stat. 1293; restated Oct. 27, 1970, Pub. L. 91–513, §1102(r), 84 Stat. 1294.
80302(a)(2) ..	49 App.:781(b)(2).	Aug. 9, 1939, ch. 618, §1(b)(2), (3), 53 Stat. 1291; Nov. 2, 1978, Pub. L. 95–575, §3(a)(1), (2), 92 Stat. 2465.
	49 App.:787(e).	Aug. 9, 1939, ch. 618, §7(e), 53 Stat. 1293; Nov. 2, 1978, Pub. L. 95–575, §3(b)(1), 92 Stat. 2465.
80302(a)(3) ..	49 App.:781(b)(3) (words before 1st semicolon).	Aug. 9, 1939, ch. 618, §7(f), 53 Stat. 1293; restated Oct. 31, 1951, ch. 655, §55(b), 65 Stat. 729; Nov. 2, 1978, Pub. L. 95–575, §3(b)(2), 92 Stat. 2465.
	49 App.:787(f).	
80302(a)(4) ..	49 App.:781(b)(3) (words after 1st semicolon).	
80302(a)(5) ..	49 App.:781(b)(4).	Aug. 9, 1939, ch. 618, 53 Stat. 1291, §§1(b)(4), 7(g); added Nov. 2, 1978, Pub. L. 95–575, §3(a)(3), (b)(3), 92 Stat. 2465.
80302(b)	49 App.:787(g).	Aug. 9, 1939, ch. 618, §1(a), 53 Stat. 1291.
	49 App.:781(a).	

In subsection (a)(1)(A) and (B), the words “dealing therewith” are omitted as surplus.

In subsection (a)(1)(A), the words “has been or” are omitted as surplus.

In subsection (a)(1)(C), before subclause (i), the word “transported” is substituted for “carried or transported” to eliminate unnecessary words. In subclause (ii), the words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977. The words “a place in” are added for consistency in the revised title.

In subsection (a)(2), the words “involved in a violation” are substituted for “with respect to which there has been committed any violation” to eliminate unnecessary words. The text of 49 App.:787(e) is omitted as unnecessary because of the restatement. The National Firearms Act referred to in the source provisions has been repealed and replaced by chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.).

In subsection (a)(3), before subclause (A), the words “falsely made” are omitted as being included in “counterfeit”. In subclause (B), the words “coin, obligation, or other security” are added for clarity.

In subsection (a)(4), the words “equipment used” are substituted for “apparatus, or paraphernalia fitted . . . which shall have been used” to eliminate unnecessary words. The words “coin, obligation, or other security referred to in clause (3) of this subsection” are substituted for “such falsely made, forged, altered, or counterfeit coin or obligation or other security” because of the restatement.

In subsection (a)(5), the text of 49 App.:787(g) is omitted as unnecessary because the term “cigarettes” does not appear in 49 App.: ch. 11 and because the definition of “contraband cigarettes” referred to is part of 18:ch. 114.

In subsection (b), before clause (1), the words “A person may not” are substituted for “It shall be unlawful” for consistency in the revised title. In clause (1), the word “transport” is substituted for “transport, carry, or convey” because it is inclusive. In clause (2), the words “or upon the person of anyone in or upon any vessel, vehicle, or aircraft” are omitted as unnecessary. In clause (3), the word “transportation” is substituted for “transportation, carriage, conveyance” for consistency in this section. The word “barter” is omitted as being included in “exchange”.

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104–153 added par. (6).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 80303, 80304 of this title; title 19 section 1595a.

§ 80303. Seizure and forfeiture

The Secretary of the Treasury or the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title, or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General or a person authorized by another law to enforce section 80302 of this title, shall seize an aircraft, vehicle, or vessel involved in a violation of section 80302 and place it in the custody of a person designated by the Secretary, the Attorney General, or appropriate Governor, as the case may be. The seized aircraft, vehicle, or vessel shall be forfeited, except when the owner establishes that a person except the owner committed the violation when the aircraft, vehicle, or vessel was in the possession of a person who got possession by violating a criminal law of the United States or a State. However, an aircraft, vehicle, or vessel used by a common carrier to provide transportation for compensation may be forfeited only when—

(1) the owner, conductor, driver, pilot, or other individual in charge of the aircraft or

vehicle (except a rail car or engine) consents to, or knows of, the alleged violation when the violation occurs;

(2) the owner of the rail car or engine consents to, or knows of, the alleged violation when the violation occurs; or

(3) the master or owner of the vessel consents to, or knows of, the alleged violation when the violation occurs.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1354; Pub. L. 107-296, title XI, §1112(q), Nov. 25, 2002, 116 Stat. 2278.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80303	49 App.:782.	Aug. 9, 1939, ch. 618, §2, 53 Stat. 1291; Nov. 18, 1988, Pub. L. 100-690, §6076(a), 102 Stat. 4324.
	49 App.:783 (last sentence).	Aug. 9, 1939, ch. 318, §3 (last sentence), 53 Stat. 1292.

In this section, before clause (1), the words “The Secretary of the Treasury . . . shall seize” are substituted for “shall be seized” in 49 App.:782 and “It shall be the duty of any officer, agent, or other person so authorized or designated . . . whenever he shall discover any vessel, vehicle, or aircraft” in 49 App.:783 (last sentence) to eliminate unnecessary words and for consistency in the revised title. The words “the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title” are added because under 49 App.:789 the Governor of Guam enforces 49 App.:ch. 11 in Guam and because, under section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 263), and proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, 48 U.S.C. 1681 (note)), the Commonwealth was given the same authority as Guam when a law applies to Guam and the States of the United States generally. The words “or a person authorized by another law to enforce section 80302 of this title” are substituted for “or authorized by law” for clarity. The words “involved in a violation of section 80302” are substituted for “which has been or is being used in violation of any provision of section 781 of this Appendix, or in, upon, or by means of which any violation of said section has taken or is taking place” in 49 App.:782 and “which has been or is being used in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place” in 49 App.:783 (last sentence) to eliminate unnecessary words. The word “designated” is substituted for “authorized or designated” in 49 App.:783 (last sentence) to eliminate unnecessary words. The words “or appropriate Governor, as the case may be” are added for clarity and for consistency in this section. The words “to await disposition pursuant to the provisions of this chapter and any regulations issued hereunder” are omitted as unnecessary. The words “except when . . . committed the violation” are substituted for “*Provided further*, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this chapter by reason of any act or omission . . . committed or omitted” in 49 App.:782 for clarity. The words “However . . . used by a common carrier to provide transportation for compensation may be forfeited only when” are substituted for “*Provided*, That no . . . used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this chapter unless it shall appear that” for clarity and consistency in the revised title. In clauses (1)–(3), the words “knows of” are substituted for “privy thereto” for clarity. The word “violation” is substituted for “illegal act” for consist-

ency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The criminal laws of the United States, referred to in text, are classified generally to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2002—Pub. L. 107-296, §1112(q)(2), inserted “, the Attorney General,” after “by the Secretary” in introductory provisions.

Pub. L. 107-296, §1112(q)(1), which directed amendment of this section by inserting “or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General” after “section 80304 of this title.”, was executed by making the insertion after “section 80304 of this title,” to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 80304. Administrative

(a) GENERAL.—Except as provided in subsections (b), (c), and (d) of this section, the Secretary of the Treasury—

(1) may designate officers, employees, agents, or other persons to carry out this chapter; and

(2) shall prescribe regulations to carry out this chapter.

(b) IN GUAM.—The Governor of Guam—

(1) or officers of the government of Guam designated by the Governor shall carry out this chapter in Guam;

(2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in Guam; and

(3) may prescribe regulations to carry out this chapter in Guam.

(c) IN NORTHERN MARIANA ISLANDS.—The Governor of the Northern Mariana Islands—

(1) or officers of the government of the Northern Mariana Islands designated by the Governor shall carry out this chapter in the Northern Mariana Islands;

(2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in the Northern Mariana Islands; and

(3) may prescribe regulations to carry out this chapter in the Northern Mariana Islands.

(d) ATTORNEY GENERAL.—The Attorney General, or officers, employees, or agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice¹ designated by the Attorney General, shall carry out the laws referred to in section 80306(b) of this title to the extent that the violation of this chapter involves contraband described in section 80302(a)(2) or (a)(5).

(e) CUSTOMS LAWS ON SEIZURE AND FORFEITURE.—The Secretary, or the Governor of Guam or of the Northern Mariana Islands as pro-

¹ So in original. Probably should be followed by a comma.

vided in subsections (b) and (c) of this section, shall carry out the customs laws on the seizure and forfeiture of aircraft, vehicles, and vessels under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1354; Pub. L. 107–296, title XI, §1112(r), Nov. 25, 2002, 116 Stat. 2278.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80304(a)	49 App.:783 (1st sentence).	Aug. 9, 1939, ch. 618, §§3 (1st sentence), 4 (proviso), 8, 53 Stat. 1292, 1293.
80304(b)	49 App.:788. 49 App.:789.	Aug. 3, 1939, ch. 618, 53 Stat. 1291, §9; added Aug. 1, 1956, ch. 852, §22, 70 Stat. 911.
80304(c)	(no source).	
80304(d)	49 App.:784 (proviso).	

In subsection (a)(1), the words “may designate” are substituted for “is empowered to authorize, or designate” in 49 App.:783 (1st sentence) to eliminate unnecessary words. The word “employees” is added for clarity and consistency in the revised title and with other titles of the United States Code.

In subsections (a)(2) and (b)(3), the word “regulations” is substituted for “such rules and regulations as may be necessary” in 49 App.:788 and 789 for consistency in the revised title and with other titles of the Code and because “rules” and “regulations” are synonymous.

In subsection (b)(1), the words “shall carry out this chapter in Guam” are substituted for “In Guam the enforcement and administration of this chapter shall be performed” for consistency in the revised title.

Subsection (c) is added because, under section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94–241, 90 Stat. 263), and proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, 48 U.S.C. 1681 (note)), the Commonwealth was given the same authority as Guam when a law applies to Guam and the States of the United States generally.

In subsection (d), the word “Secretary” is substituted for “by such officers, agents, or other persons as may be authorized or designated for that purpose by the Secretary of the Treasury” because of subsection (a)(1) of this section. The words “or the Governor of Guam or of the Northern Mariana Islands as provided in subsections (b) and (c) of this section” are added because under 49 App.:789 the Governor of Guam enforces 49 App.:ch. 11 in Guam and because of section 502(a)(2) of the Covenant referred to in the revision note for subsection (c) of this section. The words “the customs laws” are substituted for “That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws” because of the restatement and to eliminate unnecessary words.

REFERENCES IN TEXT

The customs laws, referred to in subsec. (e), are classified generally to Title 19, Customs Duties.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–296, §1112(r)(1), substituted “(b), (c), and (d)” for “(b) and (c)” in introductory provisions.

Subsecs. (d), (e). Pub. L. 107–296, §1112(r)(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as

an Effective Date note under section 101 of Title 6, Domestic Security.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 80303 of this title.

§ 80305. Availability of certain appropriations

Appropriations for enforcing customs, narcotics, counterfeiting, or internal revenue laws are available to carry out this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1355.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80305	49 App.:785.	Aug. 9, 1939, ch. 618, §5, 53 Stat. 1292.

The words “which has been or shall hereafter be made” and “for the defraying of expenses of” are omitted as surplus. The National Firearms Act referred to in the source provision has been repealed and replaced by chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.). A specific reference to chapter 53 is unnecessary because of the reference to the internal revenue laws.

REFERENCES IN TEXT

The customs laws, referred to in text, are classified generally to Title 19, Customs Duties.

The internal revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

§ 80306. Relationship to other laws

(a) CHAPTER AS ADDITIONAL LAW.—This chapter is in addition to another law—

- (1) imposing, or authorizing the compromise of, fines, penalties, or forfeitures; or
- (2) providing for seizure, condemnation, or disposition of forfeited property, or the proceeds from the property.

(b) LAWS APPLICABLE TO SEIZURES AND FORFEITURES.—To the extent applicable and consistent with this chapter, the following apply to a seizure or forfeiture under this chapter:

- (1) provisions of law related to the seizure, forfeiture, and condemnation of vehicles and vessels violating the customs laws.
- (2) provisions of law related to the disposition of those vehicles or vessels or the proceeds from the sale of those vehicles or vessels.
- (3) provisions of law related to the compromise of those forfeitures or claims related to those forfeitures.
- (4) provisions of law related to the award of compensation to an informer about those forfeitures.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1355.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80306(a)	49 App.:786.	Aug. 9, 1939, ch. 618, §§4 (less proviso), 6, 53 Stat. 1292.
80306(b)	49 App.:784 (less proviso).	

In subsections (a)(1) and (b)(3), the word “compromise” is substituted for “remission or mitigation” for consistency in the revised title.

In subsection (a), before clause (1), the words “in addition to another law” are substituted for “shall be construed to be supplemental to, and not to impair in any way, existing provisions of law” to eliminate unnecessary words.

In subsection (b), before clause (1), the words “under this chapter” are substituted for “incurred, or alleged to have been incurred, under the provisions of this chapter” to eliminate unnecessary words. In clause (1), the word “forfeiture” is substituted for “summary and judicial forfeiture” to eliminate unnecessary words.

REFERENCES IN TEXT

The customs laws, referred to in subsec. (b)(1), are classified generally to Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 80304 of this title.

CHAPTER 805—MISCELLANEOUS

Sec.

80501. Damage to transported property.

80502. Transportation of animals.

80503. Payments for inspection and quarantine services.

80504. Medals of honor.

§ 80501. Damage to transported property

(a) **CRIMINAL PENALTY.**—A person willfully damaging, or attempting to damage, property in the possession of an air carrier, motor carrier, or rail carrier and being transported in interstate or foreign commerce, shall be fined under title 18, imprisoned for not more than 10 years, or both. In a criminal proceeding under this section, a shipping document for the property is prima facie evidence of the places to which and from which the property was being transported.

(b) **PROHIBITION AGAINST MULTIPLE PROSECUTIONS FOR SAME ACT.**—A person may not be prosecuted for an act under this section when the person has been convicted or acquitted on the merits for the same act under the laws of a State, the District of Columbia, or a territory or possession of the United States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1356.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80501(a)	15:1281.	Sept. 13, 1961, Pub. L. 87-221, 75 Stat. 494.
80501(b)	15:1282.	

In subsection (a), the words “A person . . . shall be fined under title 18” are substituted for “It shall be unlawful for any person” and “Whoever violates any provision of subsection (a) of this section shall be fined not more than \$5,000” to eliminate unnecessary words and for consistency with title 18. The word “damaging” is substituted for “destroy or injure” because it is inclusive. The words “air carrier, motor carrier, or rail carrier” are substituted for “common or contract carrier by railroad, motor vehicle, or aircraft”, and the words “being transported” are substituted for “moving”, for consistency in the revised title. The words “In a criminal proceeding under this section” are substituted for “To establish the interstate or foreign commerce character of any property involved in any prosecution under this section” to eliminate unnecessary words. The words “shipping document” are substituted for “waybill or similar shipping document” because they are inclusive.

In subsection (b), the words “A person may not be prosecuted for an act under this section when the person has been convicted or acquitted on the merits for the same act” are substituted for “A judgment of conviction or acquittal on the merits . . . shall be a bar to any prosecution under this chapter for the same act or acts” for clarity. The word “territory” is added for consistency in the revised title and with other titles of the United States Code. The words “or the Commonwealth of Puerto Rico” are omitted as unnecessary because of 48:734.

§ 80502. Transportation of animals

(a) **CONFINEMENT.**—(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.

(2) Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night. Animals may be confined for—

(A) more than 28 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful; and

(B) 36 consecutive hours when the owner or person having custody of animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours.

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) **UNLOADING, FEEDING, WATERING, AND REST.**—Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals—

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) is not liable for detaining the animals for a reasonable period to comply with subsection (a) of this section.

(c) **NONAPPLICATION.**—This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.

(d) **CIVIL PENALTY.**—A rail carrier, express carrier, or common carrier (except by air or water),

a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel that knowingly and willfully violates this section is liable to the United States Government for a civil penalty of at least \$100 but not more than \$500 for each violation. On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1356.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80502(a)	45:71 (less 1st sentence 132d-153d words).	June 29, 1906, ch. 3594, §§1-4, 34 Stat. 607.
80502(b)	45:71 (1st sentence 132d-153d words).	
80502(c)	45:72.	
80502(d)	45:73 (proviso).	
	45:73 (less proviso).	
	45:74.	

In this section, the words “rail carrier, express carrier” are substituted for “railroad, express company, car company” for consistency in the revised title. The word “air” is included in the exception because when the source provision was enacted air carriers did not exist. The words “a vehicle or vessel” are substituted for “cars, boats, or vessels of any description”, and the word “vessel” is substituted for “steam, sailing, or other vessels”, for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the words “transporting animals” are substituted for “whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed” and “carrying or transporting cattle, sheep, swine, or other animals” to eliminate unnecessary words. The word “possession” is added for consistency in the revised title and with other titles of the Code. The words “for feeding, water, and rest” are added because of the restatement.

In subsection (a)(2), before clause (A), the words “Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night” are substituted for 45:71 (last proviso) for clarity. The words “Animals may be confined for” are added because of the restatement. In clause (A), the words “more than 28 hours when the animals cannot be unloaded because of” are substituted for “unless prevented by” because of the restatement. The word “storm” is omitted as being included in “accidental or unavoidable causes”. The words “when being careful” are substituted for “by the exercise of due diligence and foresight” to eliminate unnecessary words. In clause (B), the words “36 consecutive hours when” are substituted for “Provided, That . . . the time of confinement may be extended to thirty-six hours” because of the restatement. The word “printed” is omitted as surplus.

In subsection (a)(3), the words “but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this chapter to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated” are omitted as unnecessary because of the restatement.

In subsection (b), before clause (1), the word “properly” is omitted as surplus. The words “Animals being transported shall be unloaded” are added because of the restatement. In clause (1), the words “except that the owner or shipper may provide food” are substituted for “but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires” for clarity.

In subsection (c), the word “proper” is omitted as surplus.

In subsection (d), the words “liable to the United States Government for a civil penalty” are substituted for “liable for and forfeit and pay a penalty” in 45:73 for consistency in the revised title and with other titles of the Code. The words “On learning of a violation, the Attorney General shall bring a civil action to collect the penalty” are substituted for “The penalty created by section 73 of this title shall be recovered by civil action in the name of the United States” in 45:74 and “and it shall be the duty of United States attorneys to prosecute all violations of this chapter reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means” to eliminate unnecessary words and because of 28:509. The words “in the district court of the United States for the judicial district” are substituted for “in the circuit or district court holden within the district” in section 4 of the Act of June 29, 1906 (ch. 3594, 34 Stat. 608), because of section 291 of the Act of March 3, 1911 (ch. 231, 36 Stat. 1167), and for consistency in the revised title and with other titles of the Code.

§ 80503. Payments for inspection and quarantine services

(a) GENERAL.—(1) In this subsection—

(A) “private aircraft” means a civilian aircraft not being used to transport passengers or property for compensation.

(B) “private vessel” means a civilian vessel not being used—

(i) to transport passengers or property for compensation; or

(ii) in fishing or fish processing operations.

(2) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the owner, operator, or agent of a private aircraft or private vessel may pay not more than \$25 for the services of an officer or employee of the Department of Agriculture, the Customs Service, the Immigration and Naturalization Service, or the Public Health Service (including an independent contractor performing an inspection service for the Public Health Service) when the services are performed on a Sunday, holiday, or from 5 p.m. through 8 a.m. on a weekday, and are related to the aircraft’s or vessel’s arrival in, or departure from, the United States. However, the owner, operator, or agent does not have to pay for the services from 5 p.m. through 8 a.m. on a weekday when an officer or employee on regular duty is available at the place of arrival or departure to perform services.

(3) The head of a department, agency, or instrumentality of the United States Government providing services under paragraph (2) of this subsection shall collect the amount paid for the services and deposit the amount in the Treasury. The amount shall be credited to the appropriation of the department, agency, or instrumentality against which the expense of those services was charged.

(b) LIMITATIONS ON REIMBURSEMENT.—(1) An owner or operator of an aircraft is required to reimburse the head of a department, agency, or instrumentality of the Government for the expenses of performing an inspection or quarantine service related to the aircraft at a place of inspection during regular service hours on a Sunday or holiday only to the same extent that an owner or operator makes reimbursement for the service during regular service hours on a